

MONTANA LEGISLATIVE HISTORY

Chapter 59 1967

Bill H _____ S 66 Original bill & history ____C

H. Committee on Judiciary

Hearing Date(s) Feb 14 ☒ C

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Date Out Feb 14 ☒ C

S. Committee on Judiciary

Hearing Date(s) Jan 18 ☒ C

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Jan 18 ☒ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

Senate Bill No. 66 was considered by the Committee. Senator Turnage spoke to the committee in behalf of this bill. After the discussion, Senator Turnage made a motion, seconded by Senator Hibbs, that Senate Bill No. 66 be recommended do pass. The motion was carried.

Senator Hibbs reported to the committee on his study of the Uniform Mandatory Disposition of Detainers Act. After discussion, the committee decided to defer action until they heard what Dean Sullivan had to say at the joint meeting at adjournment on Thursday.

Senator Dzivi then gave his report on his study of the Reapportionment Orders. After Senator Dzivi's report, Senator Dussault asked the members if they wanted to introduce these two bills as committee bills. Further consideration of the Reapportionment Orders will be taken up at a later meeting.

House Bill No. 108 was then considered by the committee. Senator Dzivi moved and was seconded by Senator Hibbs that consideration be passed on this bill until the Friday committee meeting. The motion was carried. Senator Dzivi was appointed by Senator Dussault to make a report on this bill at the Friday committee meeting.

A motion was made by Senator Rehberg and seconded by Senator Hibbs that the meeting be adjourned. The motion was carried.


Edward T. Dussault, Chairman

JUDICIARY COMMITTEE

February 14, 1967

The House Judiciary Committee met upon adjournment February 14, 1967, with Chairman Mather presiding. All members were present except Murphy, McCulloch, Bailey Prevost and Sullivan.

SB 57 was considered, with Senator Turnage, chief sponsor, appearing as proponent.

SB 66 was considered, with Senator Turnage, only sponsor, again appearing as proponent.

SB 92 was considered, with Senator Turnage, chief sponsor, appearing as proponent.

SB 67 was considered, with Senator Siderius, chief sponsor, appearing as proponent. Also speaking for the bill was Senator Dzivi, who said they had discussed this thoroughly in the Senate Judiciary Committee.

SB 71, with Senator Hafferman as chief sponsor, was discussed by him.

Opponents appearing were as follows:

Chadwick H. Smith, for American Mutual Insurance Alliance
John Risken, Attorney, for American Insurance Association
Don Burns, Montana Association of Insurance Agents
Conrad B. Fredricks, Attorney, for American Reciprocal
Insurance Assn.
Walt Nilan, for Farmers Insurance Group
Hank Wilson, for Montana Farm Bureau and Wyoming Farm
Bureau Mutual Insurance Company

SB 98 was heard, with chief sponsor, Senator Dzivi, appearing as proponent.

Opponents were as follows:

Edward Ferguson, for Montana Association of Evangelicals
Rev. Dick C. Bauma, for Montana Association of Evangelicals
Rev. Jack Dabner, for Montana Association of Evangelicals

SB 83 was discussed by Senator Dzivi, chief sponsor. It was mentioned that this is identical to Rep. Stratton's bill now in the Senate from the House, so perhaps SB 83 can be killed. This was to be checked, so SB 83 was passed for the day.

Committee action was as follows:

CURRED IN.

Hall made a motion that SB 57 BE CON=/ Motion carried.

Harrison made a motion that SB 66 BE CONCURRED IN. Motion carried unanimously.

Hall made a motion that SB 92 Be not concurred in. Stimatz made a ~~substitute~~ motion that SB 92 BE CONCURRED IN. Motion carried.

Hall made a motion that SB 67 BE CONCURRED IN. Motion carried.

Hemstad made a motion that SB 71 be not concurred in. Chairman Mather suggested that SB 71 be put into a subcommittee. Hall made a substitute motion that SB 71 be amended. Goan made a substitute motion that SB 71 be put into a subcommittee for further study. The motion carried 7-3.

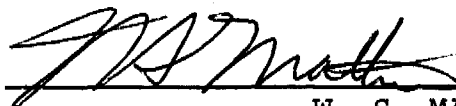
Hall made a motion that SB 98 BE CONCURRED IN. Motion carried, with Stratton, Hemstad and Warfield being on record as voting against the motion.

Chairman Mather asked that Wallander, Baeth and Stratton serve on the subcommittee to study SB 71 and report back to the committee.

SB 55, which was discussed earlier by the committee, was again brought before the committee, and Hall moved that it be amended to take out all reference to the elections being combined and that, AS AMENDED, SB 55 BE CONCURRED IN. Motion carried.

It was asked by the Chairman that all the letters which were received on SB 98 be attached to these minutes and made a part hereof.

There being no further business to come before the meeting, it was adjourned.



W. S. MATHER, CHAIRMAN

Trustees not to be interested in letting contracts and furnishing supplies.

No board to contract without bids—exceptions.

"75-1637. **Letting contracts and furnishing supplies, trustees not to be interested in—advertising for bids required, when.** It shall be unlawful for any school trustee to have any pecuniary interest, either directly or indirectly, in the erection of any schoolhouses, or for warming, ventilating, furnishing, or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or to accept any compensation or reward for services rendered as trustees, except as hereinbefore provided. No board of trustees shall let any contract for building, furnishing, repairing, or other work, for the benefit of the district, without first advertising in a newspaper published in the county for at least two (2) weeks, calling for bids to perform such work, except:

(a) A board of trustees of third class school districts maintaining one (1) or two (2) room elementary schools, may contract, without advertising and without bids, where the amount involved is not more than *eight hundred dollars (\$800)*;

(b) A board of trustees of third class school districts, other than those mentioned in subparagraph (a) may contract, without advertising and without bids, where the amount involved is not more than *fifteen hundred dollars (\$1,500)*;

(c) A board of trustees of districts of the first and second class, may contract without advertising and without bids where the amount involved is not more than *two thousand five hundred dollars (\$2,500)*;

In all cases where advertising is required, the board shall award the contract to the lowest responsible bidder; provided, however, that the board of school trustees shall have the right to reject any and all bids."

Approved: February 18, 1967.

CHAPTER 58

An Act to Authorize the Board of Trustees of a School District, County High School, Junior College, or Community College to Purchase Liability Insurance for the

Death, Injury, or Disability of Any Human Being or for Damage to Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (1) The board of trustees of a school district, county high school, junior college, or community college may purchase insurance coverage for the school district, school officials, and employees against liability for the death, injury or disability of any person or damage to property.

Authorization to purchase liability insurance.

(2) If insurance is purchased as authorized by this act, the board of trustees shall pay the insurance premium costs out of the school general fund.

Payment of insurance premiums.

(3) That the provisions of Section 40-4402, the Revised Codes of Montana 1947, are applicable to this act.

Applicability clause.

Approved: February 20, 1967.

CHAPTER 59

An Act Amending Section 45-401, R.C.M. 1947, Relating to Loggers' Liens, to Entitle Partnerships, Corporations and Associations to the Protection of Such Liens.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 45-401, R.C.M. 1947, is amended to read as follows:

Amending clause.

"45-401. **Who entitled to lien.** Every person, *general partnership, limited partnership, corporation or association* performing labor upon, or who shall assist in obtaining or securing sawlogs, piling, railroad ties, cordwood, or other timber, has a lien upon the same and upon all other sawlogs, piling, railroad ties, cordwood, or other timber which, at the time of the filing of the claim or lien hereinafter provided, belonged to the person or corporation for whom the labor was performed, for the work or labor done upon or in obtaining or securing the particular sawlogs, piling, railroad ties, cordwood, or other timber in said claim or lien described, whether such work or labor was done at the instance of the owner of the same or his agent, or a contractor or subcontractor, or any person in behalf of such owner or his agent, or a contractor or subcon-

Who entitled to lien.

Lowest bidder—rejection.

tractor. The cook in a logging-camp shall be regarded as a person who assists in obtaining or securing any of the timber herein mentioned."

Approved: February 20, 1967.

CHAPTER 60

An Act to Provide That Applicants for Public Assistance Under Chapter 6, Title 71, R.C.M. 1947, (Aid to Needy Blind), Under Chapter 14, Title 71, R.C.M. 1947, (Services to the Blind), and Applicants for Vendor Medical Payments Need Not Agree That the Amount of Assistance Received Shall Be Secured by a Lien on the Applicant's Real Property, Amending Section 71-241, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 71-241, R.C.M. 1947, is amended to read as follows:

Agreement for lien on real property of some recipients of public assistance—excluded.

"71-241. **Agreement for lien on real property of some recipients of public assistance.** No application for a public assistance grant except applications made pursuant to chapter 5, Title 71, Revised Codes of Montana, 1947, (aid to dependent children), chapter 3, Title 71, Revised Codes of Montana, 1947 (general relief), chapter 6, Title 71, Revised Codes of Montana, 1947, (aid to needy blind) and chapter 14, Title 71, Revised Codes of Montana, 1947, (services to the blind), and for vendor medical payments in behalf of individuals, shall be approved unless the applicant shall execute and deliver with such application an agreement, in such form as the state board of public welfare shall prescribe, acknowledging and agreeing that the amount of all assistance thereafter paid to the applicant, from whatever source such assistance may be derived, shall constitute an obligation and indebtedness of the applicant to the state and county which shall be secured by a lien upon all real property of the applicant then owned or acquired while a recipient of such assistance."

Approved: February 20, 1967.

CHAPTER 61

An Act to Suspend the Running of Statutes of Limitations, When Taxpayer's Federal Return is Changed and Taxpayer Fails to Report the Change, in Order to Allow the State of Montana Opportunity to Collect Additional Taxes, If Any, That Are Warranted by the Change in Taxpayer's Federal Return; Amending Sections 84-4920.1 and 84-4938, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-4920.1, R.C.M. 1947, is amended to read as follows: Amending clause.

"84-4920.1. **Suspension of running of statute of limitations—grounds.** The running of the statute of limitations provided for under section 84-4920 shall be suspended during any period that the federal statute of limitations for collection of federal income tax has been suspended by (1) written agreement signed by the taxpayer or, (2) when the taxpayer has instituted an action which has the effect of suspending the running of the federal statute of limitations, and for one (1) additional year. *If the taxpayer fails to file a report of changes in federal taxable income or an amended return as required by section 84-4938, the said statute of limitations shall not apply until five years from the date the federal changes become final or the amended federal return was filed.* If the taxpayer omits from gross income an amount properly includable therein which is in excess of twenty-five percent (25%) of the amount of *adjusted gross income* stated in the return *the said statute of limitations shall not apply for two additional years from the time specified in section 84-4920.*"

Suspension of running of statute of limitations—grounds.

Section 2. That Section 84-4938, R.C.M. 1947, is amended to read as follows: Amending clause.

"84-4938. **Furnishing copy of federal return, copies of federal corrections, and filing amended return required.** Every taxpayer shall upon request of the board, furnish a copy of the return for the corresponding year which he has filed or may file with the federal government showing his net income and how obtained and the several sources from which derived. *If the amount of a taxpayer's taxable income is changed or corrected by the United States Internal Revenue Service or other competent authority, the taxpayer shall report such change or correction to the board*

Furnishing copy of federal return—corrections and amendments.